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Honorable Christopher M. Alston
Chapter 11
Hearing Location: Rm 7206
Hearing Date: Friday, July 6, 2018
Hearing Time: 9:30 a.m.
Response Date: July 2, 2018

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7 UNITED STATES BANKRUPTCY COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 In re:

Case No. 16-11767-CMA

10 NORTHWEST TERRITORIAL MINT,
11 LLC,
12

DECLARATION OF MARK CALVERT IN
SUPPORT OF TRUSTEE'S RESPONSE
TO INTERESTED PARTIES' MOTION TO
ENFORCE A PRIOR COURT ORDER

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14 Mark Calvert declares as follows:

15 1. I am the Chapter 11 Trustee of Northwest Territorial Mint, LLC ("NWTM"). I am
16 over eighteen (18) years of age and I am competent in all ways to testify. Unless otherwise stated, I
17 make the following statements based on my personal knowledge.

18 2. On May 21, 2018, the court entered an order authorizing me to settle issues of
19 ownership of dies. As I have stated in previous declarations, there was a great deal of uncertainty
20 regarding ownership of some of the coining dies created by NWTM for customers. The uncertainty
21 was the product of inconsistent statements made by NWTM salespeople regarding the ownership of
22 dies, as well as inconsistent paperwork. In some instances the paperwork provided to NWTM
23 customers made it clear that all dies remained the property of NWTM. In other instances, the policy
24 was not expressed on the paperwork, and customers have indicated that they assumed the "die
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DECLARATION OF MARK CALVERT IN SUPPORT OF
RESPONSE TO MOTION TO ENFORCE ORDER - 1
501635047 v1

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1 charge” they paid was a purchase price rather than a charge for the expense NWTM incurred in
2 creating a die.

3 3. I proposed the settlement protocol as a way of sorting the dies to which there was no
4 dispute of ownership from the ones that either belonged to a customer, or to which a customer
5 asserted an interest. Without resolving ownership, the NWTM dies could not be sold or even
6 destroyed.

7 4. I worked with counsel to create a form of notice that could be sent to NWTM’s
8 customer database. After the notice was approved, it was mailed, published and posted on NWTM’s
9 websites at <http://existingbullionorders.com> and <http://www.nwtmint.com>. I assigned one of
10 NWTM’s employees with the task of responding to customers who contracted NWTM to assert an
11 interest in a die. I instructed her that if paperwork related to that customer contained
12 communications or notations that indicated the customer owned a die or if the invoice stated that a
13 die was “not to be shipped” but rather held in NWTM’s archive, that I would concede ownership and
14 that the die(s) would be returned for a \$45 shipping fee. I also instructed her that if there was not
15 agreement on ownership, to make an opening settlement offer of \$300/die for NWTM to transfer its
16 interest, whatever that interest might be, in a die.

17 5. On June 19, 2018, I learned for the first time that the employee had sent an email to
18 74 customers, in response to their inquiries, that contained the false information that the court had
19 determined dies belonged to NWTM, and that the court had authorized a specific settlement amount
20 of \$300. I immediately instructed the employee to send a corrective email, drafted by my counsel, to
21 every customer that had received the original email. I also instructed that the settlement payment
22 made by any customer who received that email, and who settled before receiving the corrective
23 email, be refunded. The total refunds to 11 customers was approximately \$6,900.

24 6. It was never my intention to profit from the ownership resolution process and
25 sincerely regret that incorrect information was provided to some customers. The mistake, however,
26

1 was not the result of a deliberate intention on my part, or the part of the employee to mislead
2 customers.

3 EXECUTED this 29th day of June, at Seattle, Washington.
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6 /s/ Mark Calvert

7 Mark Calvert
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DECLARATION OF MARK CALVERT IN SUPPORT OF
RESPONSE TO MOTION TO ENFORCE ORDER - 3

501635047 v1

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1 **CERTIFICATE OF SERVICE**

2 The undersigned declares as follows:

3 That she is a paralegal in the law firm of K&L Gates LLP, and on June 29, 2018, she caused
4 the foregoing document to be filed electronically through the CM/ECF system which caused
5 Registered Participants to be served by electronic means, as fully reflected on the Notice of
6 Electronic Filing.

7 I declare under penalty of perjury under the laws of the State of Washington and the United
8 States that the foregoing is true and correct.

9 Executed on the 29th day of June, 2018 at Seattle, Washington.

10 /s/ Denise A. Lentz
11 Denise A. Lentz
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DECLARATION OF MARK CALVERT IN SUPPORT OF
RESPONSE TO MOTION TO ENFORCE ORDER - 4
501635047 v1

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